

SENATE BILL 439

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 1, Part 1, relative to post-adoption
services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 1, Part 1, is amended by
adding the following as new section:

§ 36-1-143.

(a) The department shall provide post-adoption services in order to reduce the risk of
adoption dissolution and to support the goal of permanency in adoption.

(b) The department shall provide the following post-adoption services either directly or
through purchase of service providers:

(1) Adoption preservation services will be provided to families with adopted
children under eighteen (18) years of age;

(2) Services to families receiving adoption assistance as described in § 36-1-102,
including:

(A) Assisting families to utilize and access services available to them
through adoption assistance;

(B) Assisting adoptive parents of children with developmental disabilities
to access services available through the department of human services, the
department of mental health and developmental disabilities, and the department
of health; and

(C) Assisting families who are eligible for conditional adoption assistance to access benefits at such time as their children's condition warrants treatment or professional intervention;

(3) Search and on-going sharing of information among the birth parents, adoptive parents, and adopted child. This service includes:

(A) Providing to adults who had been the legal responsibility of the department or to biological families of adult adoptees adopted through the department, when they have requested information in writing:

(i) Non-identifying information regarding their biological background when requested;

(ii) Attempts to locate biological family members for purposes of updating social history and medical information, if desired;

(iii) Identifying information upon the successful completion of a search, when consents that have been witnessed by an adult third party from the birth parents, adoptive parents, and adopted child are received. The department will provide names, addresses, and telephone numbers so that they may arrange a reunion provided that consents that have been witnessed by an adult third party from all birth parents and adult adoptees are received; and

(iv) Updated medical and psychosocial information between the birth parents, adoptive parents, and the adopted child, when consents from all birth parents and adult adoptees that have been witnessed by an adult third party have been received;

(B) Acting as or cooperating with confidential intermediaries if necessary;

(C) Providing to adoptive parents of minor children, if requested, non-identifying information on a child's background, if this information is available. The department will also facilitate the exchange of updated medical and psychosocial information between the birth parents, the adoptive parents, and the adopted child and facilitate contact when the birth parents, adoptive parents, and adopted child have signed consents that have been witnessed by an adult third party;

(D) Facilitating contact between adoptees and their siblings when one or more is still in the department's care or adopted elsewhere with the consent of the adoptive parents of a minor child that has been witnessed by an adult third party; and

(E) Facilitating contact, with the consent of the adoptive parents that has been witnessed by an adult third party, between adoptees who are minors and significant relationships in the minor adoptee's past when such contact has been established to be necessary to the adoptee's best interests, when all involved parties have provided written consent witnessed by an adult third party for release of such identifying information;

(4) Information and referral to services available in the community which would be of benefit to the birth parents, adoptive parents, or adopted child. These services would include, but not be limited to: adoption preservation services, therapists sensitive to the issues of adoption, education advocates to assist families to obtain special services, mental health agencies, support groups, respite care, financial services and professional search groups. The department, through its agent, will maintain a listing of post-adoption services and will make this information available to persons upon request; and

(5) The department will also provide to any interested adult adoptee, biological parents, and siblings information regarding the contact veto registry pursuant to § 36-1-128.

(c) Post-adoption services are available to:

(1) Families who have adopted children for whom the department had legal responsibility immediately preceding the adoption. These families are eligible for the services described in subdivisions (b)(1), adoption preservation services, (b)(2), adoption assistance, if they meet eligibility criteria, (b)(3), search and ongoing sharing of information, and (b)(4), information and referral;

(2) Families who adopt children for whom the department did not have legal responsibility prior to adoption. These families are eligible for the services described in subdivision (b)(1), adoption preservation services, if sufficient financial resources exists after adoption preservation services are provided to children for whom the department had been legally responsible, and subdivision (b)(4), information and referral; and

(3) Biological families of children adopted through the department. These families are eligible for the services described in subdivisions (b)(3), search and ongoing sharing of information, and (b)(4) information and referral.

(d) Nothing in this section shall be construed to prevent access to records of the adopted person as otherwise permitted or required by this part.

SECTION 2. The commissioner of children's services is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.